IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 16836 of 2007(D)

PETITIONER:

NARAYANANKUTTY ALIAS HARIDAS,
S/O.KRISHNANKUTTY GUPTAN, PATTIPARAMBU,
KOOTTUPATHA, THIRUVILVAMALA, THRISSUR DISTRICT,
PIN-680 588.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:
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1. THE SECRETARY, THIRUVILWAMALA
GRAMA PANCHAYAT, THIRUVILWAMALA, THRISSUR
DISTRICT, PIN-680 588.

2. K.R.MOHANAN, S/O.KUTTIRAMAN
EZHUTHASSAN, KOTTATTUKULAMBIL,
THIRUVILWAMALA, THRISSUR, PIN- 680 588.

BY ADV. SRI.V.TEKCHAND
SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE RENT AGREEMENT EXECUTED BY THE PETITIONER IN FAVOUR OF SRI.K.R.MOHANAN ON 12-08-1999**
EXT.P2	**TRUE COPY OF THE PLAINT FILED BEFORE THE DISTRICT COURT, THRISSUR AS I.A.NO.1307/2007.**
EXT.P3	**TRUE COPY OF THE COMMISSION REPORT FILED IN I.A.NO.1309/2007 IN I.A.NO.1307/2007 BEFORE THE DISTRICT COURT, THRISSUR**
EXT.P4	**TRUE COPY OF THE NOTICE DTD. 25-05-2007 SENT BY THE FIRST RESPONDENT AGAINST THE PETITIONER.**
EXT.P5	**TRUE COPY OF THE LICENCE ISSUED BY THE FIRST RESPONDENT FOR THE PERIOD 2001-2002.**
EXT.P6	**TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT FOR RENEWAL OF LICENCE DTD. 04-04-2007**
EXT.P7	**TRUE COPY OF THE SAID NOTICE DTD. 14-02-2007 ISSUED BY THE ASSISTANT ENGINEER, (ROADS), PWD, CHELAKKARA**

RESPONDENT'S EXHIBITS

EXT.R1(A)	**TRUE COPY OF THE MASS PETITION DTD. NIL SUBMITTED BEFORE THE DISTRICT COLLECTOR, THRISSUR WITH COPY TO R1**
EXT.R1(B)	**TRUE COPY OF THE NEWS ITEM APPEARED IN MATHRUBHUMI DAILY DTD. 11-02-2007**
EXT.R1(C)	**TRUE COPY OF THE APPLICATION FOR LICENCE DD. 22-5-2007 SUBMITTED BY THE PETITIONER, FOR STARTING A STATIONERY SHOP**
EXT.R1(D)	**TRUE COPY OF THE APPLICATION FOR LICENCE DTD. 22-5-2007 SUBMITTED BY THE PETITIONER, FOR LICENCE TO SELL, STOCK AND EXHIBIT FOR SALE & DISTRIBUTE FOOD ITEMS.**
EXT.R1(E)	**TRUE COPY OF THE POSTAL COVER BY WHICH PETITIONER SENT R1(C) & (D) APPLICATIONS.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 16836 OF 2007 -D

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Dated this the 18th day of June, 2007

JUDGMENT

Petitioner challenges Ext.P4. Ext.P4 is a notice issued by the first respondent to the petitioner. In the notice, there is a direction to demolish the alleged unauthorised portion of the construction made by the petitioner.

2. Today, when the matter came up, learned counsel for the Panchayat submits that no notice as submitted was given earlier and Ext.P4 may be treated as a notice. It is open to the petitioner to submit his objection to Ext.P4 treating it as a notice, he submits. Thereafter petitioner may also be heard in the matter and petitioner can raise his objections and also produce any material to substantiate his contention, it is submitted.

Having heard the learned counsel for the parties, the writ petition is disposed of as follows:

Ext.P4 shall be treated as a notice and it is open to the

petitioner to raise all his objections available in law to Ext.P4 within a period of twenty days from today. The first respondent will consider the objection, hear the petitioner, consider the materials produced by the petitioner and take a decision in accordance with law which shall be communicated to the petitioner. I leave open the contentions of the parties. Till such time as a decision is taken, interim order passed by this court will continue.

(K.M.JOSEPH, JUDGE)

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